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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 IN RE JUNIPER NETWORKS, INC. )  
13 SECURITIES LITIGATION )  
14 )  
15 )

Case No.: C 06-4327 JW (PVT)

**ORDER DENYING DEFENDANT ERNST &  
YOUNG'S MOTION FOR PROTECTIVE  
ORDER RE RULE 30(B)(6) DEPOSITION;  
AND DENYING AS MOOT THE MOTION TO  
SHORTEN TIME**

16 On September 29, 2009, Defendant Ernst & Young filed a motion for protective order  
17 regarding a Rule 30(b)(6) deposition, along with a motion to shorten time. Plaintiffs opposed the  
18 motion for protection. Having reviewed the papers submitted by the parties, the court finds it  
19 appropriate to issue this order without oral argument. Based on the moving papers and the file  
20 herein,

21 IT IS HEREBY ORDERED that Defendant Ernst & Young's motion for protection is  
22 DENIED. Defendant Ernst & Young has known of the categories for the Rule 30(b)(6) deposition  
23 since August 28, 2009, when Plaintiffs notified them of the categories during their meet and confer  
24 efforts to schedule the deposition. Defendant Ernst & Young has made no showing that it's current  
25 designee is unavailable for deposition on the scheduled date.<sup>1</sup> The fact that the same individual is  
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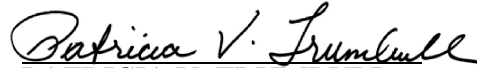
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27 <sup>1</sup> Counsel's unsupported statements do not constitute a factual showing. Moreover, during  
28 a telephone hearing regarding other depositions, counsel for Ernst & Young indicated that the designee  
needed a ruling in time to catch a 4:00 p.m. flight if his appearance is required. Thus it appears the  
designee *is* available for his deposition.

1 scheduled for a deposition in his individual capacity three weeks later is not grounds for delaying  
2 this Rule 30(b)(6) deposition. Thus, protection under Rule 26(c) is unwarranted.

3 IT IS FURTHER ORDERED that the motion to shorten time is DENIED as moot.

4 Dated: 10/5/09

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6 PATRICIA V. TRUMBULL  
7 United States Magistrate Judge  
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